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BREYER, DONALD E. GRAHAM, REED HASTINGS
and PETER A. THIEL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

VERNON R. DeMOIS, JR., Individually and On Behalf of All Others Similarly Situated,

CASE NO. 12-CV-3196 (MMC)

CLASS ACTION

STIPULATION REGARDING SCHEDULING AND ORDER THEREON

DATE: August 3, 2012

TIME: 9:00 a.m.

JUDGE: The Hon. Maxine M. Chesney
CTRM: 7, 19th Floor

Plaintiff,

V.

FACEBOOK, INC., MARK ZUCKERBERG,
DAVID A. EBERSMAN, DAVID M. SPILLANE,
MARC L. ANDREESSEN, ERSKINE B.
BOWLES, JAMES W. BREYER, DONALD E.
GRAHAM, REED HASTINGS, PETER A. THIEL,
AND MORGAN STANLEY & CO. LLC.,

Defendants.

WHEREAS, on June 20, 2012, certain defendants removed the following actions from the Superior Court for the State of California for the County of San Mateo to the United States District Court for the Northern District of California (the “Removed Actions”):¹

¹ Two other actions that were removed, *Pilgram v. Facebook, Inc., et al.*, Case No. 12-cv-3197-MMC, San Mateo County Superior Court, No. CIV-514111 and *Alfonso v. Facebook, Inc., et al.*, Case No. 12-cv-3198-MMC, San Mateo County Superior Court, No. CIV-514171, have since been voluntarily dismissed and marked closed on this Court's docket. Accordingly, the parties are not including these actions in the stipulation.

1 *Lapin v. Facebook, Inc., et al.*, Case No. 12-cv-3195-MMC, San Mateo County
2 Superior Court, No. CIV-514240;

3 *DeMois v. Facebook, Inc., et al.*, Case No. 12-cv-3196-MMC, San Mateo County
4 Superior Court, No. CIV514163;

5 *Lazar v. Facebook, Inc., et al.*, Case No. 12-cv-3199-MMC, San Mateo County
6 Superior Court, No. CIV 514065;

7 *Shierry v. Facebook, Inc., et al.*, Case No. 12-cv-3200-MMC, San Mateo County
8 Superior Court, No. CIV-514172;

9 *Cuker v. Facebook, Inc., et al.*, Case No. 12-cv-3201-MMC, San Mateo County
10 Superior Court No. CIV 514238;

11 *Lieber v. Facebook, Inc., et al.*, Case No. 12-cv-3202-MMC, San Mateo County
12 Superior Court No. CIV-514193; and

13 *Stokes v. Facebook, Inc., et al.*, Case No. 12-cv-3203-MMC, San Mateo County
14 Superior Court, No. CIV514107;

15 WHEREAS, prior to the removal to the United States District Court for the Northern District
16 of California, the Removed Actions were consolidated by order of the Honorable Beth L. Freeman,
17 Presiding Judge of the Superior Court of the State of California for the County of San Mateo and co-
18 lead counsel for the Removed Actions were appointed by Order of the Honorable Marie S. Weiner,
19 Complex Civil Litigation Judge of the Superior Court of the State of California for the County of
San Mateo;

20 WHEREAS, on June 21, 2012 and June 22, 2012, plaintiffs filed motions to remand each of
21 the Removed Actions to the Superior Court for the State of California for the County of San Mateo;

22 WHEREAS, on June 21, 2012, motions to stay each of the Removed Actions were filed on
23 behalf of defendants;

24 WHEREAS, on June 29, 2012, the Removed Actions were deemed related to actions pending
25 before this Court and were subsequently transferred to this Court;

26 WHEREAS, pursuant to the order reassigning each of the Removed Actions to this Court, all
27 hearing dates on outstanding motions were vacated and the parties were ordered to re-notice said
28 hearings;

1 WHEREAS, the Court's ECF filing system was inoperable and the parties were unable to re-
2 notice these hearings by electronic filings on Thursday, June 28, 2012 or Friday, June 29, 2012;

3 WHEREAS, the re-notice of the motions to stay on behalf of defendants were physically
4 filed on June 29, 2012 and were accepted by the Court;

5 WHEREAS, plaintiffs' counsel, after contacting the Clerk's office when the ECF filing
6 system was inoperable and being advised that a physically refiled motion would be rejected because
7 these actions are designated for electronic filing only, and, therefore, plaintiffs physically filed their
8 re-noticed motions to remand on the next business day, Monday, July 2, 2012;

9 WHEREAS, the parties hereto agree that in the interest of judicial economy, plaintiffs'
10 motions to remand the Removed Actions and motions on behalf of defendants to stay the Removed
11 Actions should be briefed and heard on the same schedule; and

12 WHEREAS, the parties hereto wish to have the motions to stay and the motions to remand
13 the Removed Actions heard on the same date, that date being August 10, 2012.

14 NOW THEREFORE THE PARTIES STIPULATE AND AGREE that:

15 All briefing in response to either the motions to remand the Removed Actions or the Motions
16 to Stay the Removed Actions should be served on the parties and filed with the Court no later than
17 July 10, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief;

18 All reply briefs in support of the motions to remand the Removed Actions or the motions to
19 stay the Removed Actions should be served on the parties and filed with the Court no later than July
20 18, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief; and

21 In each of the Removed Actions, the parties will file amended notices of the motions to
22 remand and amended notices of the motions to stay setting August 10, 2012 at 9:00 A.M. as the
23 hearing date for said motions.

1 Dated July 3, 2012

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Dated July 3, 2012

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1 Dated July 3, 2012

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16 PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

19 Dated: July 6, 2012

18 
19 HONORABLE MAXINE M. CHESNEY
20 UNITED STATES DISTRICT JUDGE